

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse	§	AGREED
License Number 154024	§	
and Registered Nurse License	§	
Number 661146	§	
issued to VICKI SUE HAJDIK	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of VICKI SUE HAJDIK, Vocational Nurse License Number 154024 and Registered Nurse License Number 661146, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on July 23, 2006, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent holds a license to practice vocational nursing in the State of Texas which is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Victoria College - Hallettsville, Hallettsville, Texas, on August 11, 1995, and an Associate Degree in Nursing from Blinn College, Bryan, Texas, on May 1, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on September 20, 1995 and professional nursing in the State of Texas on June 29, 1999.

5. Respondent's professional and vocational nursing employment history includes:

12/95 - 5/98	Staff LVN	Abilene Minor Emergency Clinic Abilene, Texas
6/98 - 5/99	Unknown	
6/99 - 2/01	Cath Lab RN	Abilene Regional Medical Center Abilene, Texas
3/01 - 1/02	Cath Lab RN	West Houston Medical Center Houston, Texas
1/02 - 11/04	Charge Nurse	Abilene Diagnostic Clinic Abilene, Texas
12/04 - 7/05	Unknown	
8/05 - present	Staff Nurse	Gulf Coast Medical Center Wharton, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Charge Nurse with Abilene Diagnostic Clinic, Abilene, Texas and had been in this position for one (1) year.

7. On or about June 23, 2003 through September 27, 2004, while employed at Abilene Diagnostic Clinic, Abilene, Texas, Respondent telephonically passed unauthorized prescriptions using the name and DEA number assigned to Gary Heath, M.D., at Walgreens Pharmacy, Abilene, Texas, for the following medications:

DATE	MEDICATION	PHYSICIAN
6/23/03	Four hundred eighty (480)cc Tussionex Suspension	Heath
9/17/03	Forty-five (45) tablets 250 chewable Augmentin	Heath
1/7/04	Four hundred eighty (480)cc Tussionex Suspension	Heath
3/10/04	Five (5) Tobramycin 0.3% OPH Solution 5 ml	Heath
3/23/04	Thirty (30) Lamisil 250mg tablets	Heath
4/2/04	Sixty-eight (68) Diethylpropion (Tenuate) 25 mg tablets	Heath
4/7/04	Fifty-two (52) Diethylpropion (Tenuate) 25 mg tablets	Heath
4/28/04	Four hundred eighty (480)cc Tussionex Suspension	Heath
5/13/04	Sixty-eight (68) Diethylpropion (Tenuate) 25 mg tablets	Heath
9/27/04	Twenty (20) Amox-Clav 875 mg tablets	Heath

Respondent's conduct was deceiving to the pharmacy and a violation of Chapter 481 of the Health and Safety Code (Controlled Substance Drug Act) and Chapter 483 of the Health and Safety Code (Dangerous Drug Act).

8. On April 19, 2006 Respondent underwent a forensic psychological evaluation by J. Ray Hays, Ph.D. and Karen A. Lawson, Ph.D. Their findings indicate that Respondent denies calling in the prescriptions fraudulently. Respondent stated that Dr. Heath would "give prescriptions for anything" and that he would sign prescription pads in advance. Dr. Heath had written her prescriptions for several ailments and conditions that she had, although he was not her primary physician. Respondent admitted to getting the following prescriptions from Dr. Heath: Tussionex, Augmentin, Tobramycin, Lamisil, and Tenuate (diet pill) and that she shared the diet pills with two other nurses. Respondent denied any history of alcohol or drug abuse, health problems or psychiatric medications. Respondent produced copies of the prescriptions that were on file at Walgreens Pharmacy. Respondent reported that all prescriptions turned in on her behalf were signed by the appropriate physician and it remains unclear whether or not Respondent herself filled in pre-signed prescriptions with the medications that she needed. Dr. Hays and Dr. Lawson conclude that Respondent is not experiencing any type of psychopathology, including depression, anxiety or other symptoms of mental illness and states "...it is our belief that Ms. Hajdik can act as a professional nurse from a psychological perspective. No recommendations are being made regarding Ms. Hajdik at this time. If any additional or unfavorable documentation, other findings have occurred in the period of time since we evaluated Ms. Hajdik, we would reserve the right to amend out present recommendations...."
9. On May 5, 2006, Respondent underwent a polygraph examination by Morris Covin. Respondent denied calling in prescriptions for herself but admitted that she did have numerous prescriptions sheets that Dr. Heath had given her which were signed and all she had to do was put the type of prescription on them for various patients. Respondent stated that she knew what medication the patients required. The evaluation of her polygrams resulted in "No Opinion" and the reason for this opinion is that her charts were very erratic. Respondent provided a negative response when questioned if she had ever added a different medication on a prescription other than what a doctor instructed, and this response resulted in a finding of "substantive deceptive criteria." Mr. Covin advised Respondent of the deceptive reaction to this question and Respondent told him that a nurse practitioner put her on PAXIL to "keep her from getting pissed off and keep her from getting angry." Respondent also admitted to using Lidoderm (5% lidocaine [700 mg] in an aqueous base) patches for back pain.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(21).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 154024 and Registered Nurse License Number 661146, heretofore issued to VICKI SUE HAJDIK, including revocation of Respondent's licenses to practice professional and vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional and vocational nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized licenses issued to VICKI SUE HAJDIK, to the office of the Board of Nurse Examiners within ten (10) days from the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL pay a monetary fine in the amount of seven hundred fifty dollars (\$750). RESPONDENT SHALL pay this fine within sixty (60) days of entry of this

Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's

successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE OR LICENSED VOCATIONAL NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in professional or vocational nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in professional or vocational nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in professional or

vocational nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a professional or vocational nurse.

(7) For the remainder of the stipulation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice professional or vocational nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for one (1) year of employment as a professional or vocational nurse.

(9) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT

SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(10) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT's place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's

policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional and vocational nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

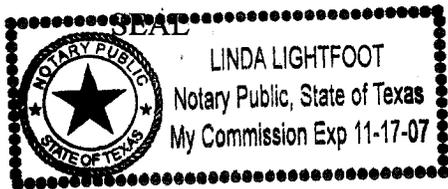
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my licenses to practice professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 1 day of September, 20 06

Vicki Sue Hajdik

VICKI SUE HAJDIK, Respondent

Sworn to and subscribed before me this 1 day of September, 20 06



Linda Lightfoot

Notary Public in and for the State of TX

Approved as to form and substance.

Charles Scarborough

Charles Scarborough, Attorney for Respondent

Signed this 1 day of September, 20 06

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the __1st__ day of September, 2006____, by VICKI SUE HAJDIK, Vocational Nurse License Number 154024 and Registered Nurse License Number 661146, and said Order is final.

Effective this 19th day of October, 2006____.



Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board